



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

APR 03 2013

US EPA RECORDS CENTER REGION 5



441341

REPLY TO THE ATTENTION OF:

SR-6J

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

7009 1680 0000 7664 9346

Ashland, Inc.

Attn: Peter J. Ganz, Senior Vice President,  
General Counsel and Secretary  
50 East RiverCenter Blvd.  
P.O. Box 391  
Covington, KY 41012-0391

RE: General Notice of Potential Liability for the Gary Development Landfill Site located at 479 Cline Avenue, Gary, Lake County, Indiana, CERCLIS ID No: IND077005916.

Dear Sir or Madam:

The United States Environmental Protection Agency (U.S. EPA) has documented the release or threat of release of hazardous substances, pollutants and contaminants into the environment from the above-referenced facility, and is planning to spend public funds to investigate and control these releases. This action will be taken by U.S. EPA pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. § 9601 *et seq.* (CERCLA), as amended by the Superfund Amendments and Reauthorization Act of 1986, Pub. L. No. 99-499, 100 Stat. 1613 (1986) (SARA), unless U.S. EPA determines that such action will be done properly by a responsible party or parties. Responsible parties under CERCLA include the current and former owners and operators of the facility, persons who generated the hazardous substances, and persons who were involved in the transport, treatment, or disposal of the hazardous substances at the facility. Under Section 107(a) of CERCLA, where U.S. EPA uses public funds towards the cleanup of the hazardous substances, responsible parties are liable for all costs associated with the removal or remedial action and all other necessary costs incurred in cleaning up the facility, including investigation, planning, and enforcement costs.

On February 25, 2013, U.S. EPA issued Special Notice to eleven potentially responsible parties (PRPs) previously identified with the Gary Development Landfill Site (Site). A copy of the Special Notice letter and its enclosures accompanies this letter. You are invited to join the on-going negotiations for an administrative order on consent for remedial investigation and feasibility study. An up-dated service list with contact information for other PRPs is also enclosed.

U.S. EPA has received information that you or your organization may own, or may have owned or operated the facility or generated or transported hazardous substances that were disposed of at the facility. By this letter, U.S. EPA notifies you of your potential liability with regard to this matter and encourages you, as a potentially responsible party, to agree to reimburse U.S. EPA for costs incurred to date and to voluntarily perform or finance the response activities which U.S. EPA has determined or will determine are required at the facility.

As a potentially responsible party, you should notify U.S. EPA in writing within seven days (7) days of receipt of this letter of your willingness to participate in the on-going negotiations. Your response should be sent to:

Leslie Blake, Remedial Project Manager  
U.S. Environmental Protection Agency – Region 5  
Superfund Division (SR-6J)  
77 West Jackson Boulevard  
Chicago, Illinois 60604-3590  
Phone: (312) 353-7921

If U.S. EPA does not receive a timely response, U.S. EPA will assume that you or your organization does not wish to negotiate a resolution of your/its potential responsibility in connection with the facility and that you or your organization has declined any involvement in performing the response activities.

Your response should indicate the appropriate name, address, and telephone number for further contact with you. If you are already involved in discussions with State or local authorities or involved in a lawsuit regarding this facility, you may continue such activities as you see fit. This letter is not intended to advise you or direct you presently to restrict or discontinue any such activities already underway; however, you are advised to report the status of those discussions or actions in your response to this letter and to provide a copy of your response to any other parties involved in those discussions or actions.

If you have any questions regarding the technical aspects of this letter, please contact Leslie Blake, Remedial Project Manager, at (312) 353-7921, email [blake.leslie@epa.gov](mailto:blake.leslie@epa.gov). If you have an attorney handling your legal matters, please direct his or her questions to Jeffrey Cahn, Associate Regional Counsel, at (312) 886-6670, e-mail [cahn.jeff@epa.gov](mailto:cahn.jeff@epa.gov).

Due to the nature of the problem at this facility and the attendant legal ramifications, U.S. EPA strongly encourages you to submit a written response within the time frame specified herein. We hope you will give this matter your immediate attention.

My staff and I look forward to working with you during the coming months.

Sincerely,

A handwritten signature in cursive script, appearing to read "Joan Tanaka".

Joan Tanaka, Chief  
Remedial Response Branch #1

cc: Updated Service List

- Enclosures:
1. Up-dated service list
  2. Special Notice letter
  3. Administrative Order on Consent
  4. Statement of Work
  5. SBREFA Fact Sheet
  6. PRP List
  7. Itemized Cost Summary

**Gary Development Landfill Site**

**General Notice PRP List 03/27/2013**

1. Ashland, Inc.  
Attn: Peter J. Ganz  
Senior Vice President, General Counsel and Secretary  
50 East RiverCenter Blvd.  
P.O. Box 391  
Covington, KY 41012-0391
2. J.B. Moody  
620 West 2nd Place  
Gary, IN 46402

**Gary Development Landfill Site**

**PRP List 03/27/2013**

1. American Chemical Services

Sheldon Bleiweiss  
Law Office of Shell J. Bleiweiss  
1 South Dearborn Street  
Suite #2100  
Chicago, IL 60603

2. Borg Warner

Joshua More  
Schiff Hardin, LLP  
233 South Wacker Drive, Suite 6600  
Chicago, Illinois 60606

3. BP America, Inc.  
Attn: Douglas S. Reinhart  
Senior Counsel

BP Legal  
150 W. Warrenville Road, Mail Code 200-1W  
Naperville, Illinois 60563

4. Brandenburg

Ms. Susan E. Brice  
Bryan Cave LLP  
161 N. Clark Street  
Suite 4300  
Chicago, IL 60601

5. Bernard J. Reilly  
DuPont Legal D-7082A  
1007 Market Street  
Wilmington DE 19898

6. Georgia-Pacific LLC  
Attn: John C. Bottini  
Senior Counsel - Environmental  
133 Peachtree Street, N.E.  
43rd Floor  
Atlanta, Georgia 30303

7. Mr. James Nowacki  
148 North Hancock Street  
Gary, Indiana 464031
8. Union Carbide  
  
Frederick S. Mueller  
Johnson & Bell  
33 W. Monroe St.  
Suite 2700  
Chicago, Illinois 60603
9. Union Tank Car  
  
Susan Franzetti  
Nijman Franzetti LLP  
10 South LaSalle Street, Suite 3600  
Chicago, Illinois 60603
10. Legacy Vulcan  
  
Mr. Andrew J. Tarrant  
Fulbright & Jaworski L.L.P.  
Fulbright Tower  
1301 McKinney  
Suite 5100  
Houston, Texas 77010
11. Waste Management of Indiana, Inc.  
d/b/a: Calumet Waste Systems, Inc.  
Attn: Francis Chin, Senior Legal Counsel  
1001 Fannin, Ste 4000  
Houston, Texas 77002